

REMARKS

Claims 1-8 are currently pending. Claim 1 has been amended. No new matter has been added. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and following remarks.

CLAIM REJECTIONS - 35 U.S.C. § 102

1. Claims 1, 2 and 4-6 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Yokochi et al. (U.S. Patent No. 6,123,216). Applicant respectfully traverses this rejection and respectfully submits that the claims as properly understood by those skilled in the art are patentably distinct from the cited reference.

Amended independent claim 1 recites, *inter alia*:

A resin tank comprising . . . a pipe sealing member having a closely fitting portion which is closely fitted into the circular hole; and a pipe installed in the pipe sealing member, coaxially with the pipe sealing member, wherein an outer diameter of the pipe sealing member increases stepwise and then decreases continuously from the closely fitting portion toward the inside of the tank body.

Applicant respectfully submits that Yokochi et al. does not disclose, teach or suggest the claimed subject matter and therefore respectfully requests this ground of rejection be withdrawn.

In response to Applicant's previous response, the Final Office Action dated November 2, 2005 states: "Applicant argues that Fish et al. does not disclose the outer diameter of the pipe sealing member increases stepwise then decreases continuously from the closely fitting portion toward the inside of the tank, and the other previously cited references do not

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teach it. In response, this is addressed in the above action by the addition of Yokochi et al.” See Final Office Action at page 5).

In contrast to the claimed subject matter, Yokochi et al. describes “a flexible feed pipe 73 which is passed through and held by the grommet 61 . . . and a return pipe 74 which is passed through and held by grommet 61” (also “a flexible oil pipe 76 which is passed through and held by the grommet 63”). See also Yokochi et al, Col. 6 lns. 3-11. Yokochi, however, does not disclose a pipe sealing member through which a pipe is installed coaxially along the center axis of the pipe sealing member, as recited in amended independent claim 1.

Further, applicant respectfully disagrees that Yokochi et al. discloses a “pipe sealing member [that] is closely fitting to seal the tank” and “[t]he outer diameter of the sealing member increases stepwise and then decreases continually.” See Final Office Action at page 2. Yokochi et al. discloses the use of grommets 61 and 63 through which pass a “flexible feed pipe 73,” “return pipe 74” and “flexible oil pipe 76.” However, the grommets disclosed in Yokochi et al. do not anticipate the claimed subject matter as recited in amended independent claim 1.

In contrast to the grommets 61 and 63 disclosed in Yokochi et al., the pipe sealing member as recited in amended independent claim 1 has “an outer diameter [that] increases stepwise and then decreases continuously from the closely fitting portion toward the inside of the tank body.” The grommets disclosed in Figure 7 and column 6, lns. 1-11 do not have an outer diameter that “increases stepwise” as recited in amended independent claim 1. Rather, the grommets disclosed in Yokochi et al. are merely “fitted in the holes 35, 38 and 39 as shown in FIGS. 6 and 7.” See Yokochi et al., col. 5, lns. 51-53. Applicant’s submit that

Yokocho et al. does not render unpatentable the claimed subject matter as recited in amended independent claim 1.

Applicant submits that amended independent claim 1 is patentably distinct from Yokocho et al. Further, Applicant submits that claims 2 and 4-6, which are directly or indirectly dependent from amended independent claim 1, are also patentably distinct from Yokocho et al. Applicant, therefore, respectfully requests that this ground of rejection be withdrawn.

CLAIM REJECTIONS - 35 U.S.C. § 103

1. Claims 1-6 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fish et al. in view of Yokocho et al. (U.S. Patent No. 6,123,216). Applicant respectfully traverses this rejection and respectfully submits that claims 1-6 are patentably distinct from the cited references, taken either alone or in combination.

Examiner alleges that Fish et al. discloses the resin tank of claim 1, with a hole that is circular to fit the pipe sealing member, which closely fits the hole and has a pipe installed, but that Fish et al. does not teach “that the outer diameter of the pipe sealing member increases stepwise then decreases continuously from the closely fitting portion toward the inside of the tank.” Examiner further alleges that Yokocho et al. discloses a resin tank with a pipe sealing member and the outer diameter of the pipe sealing member increases stepwise then decreases continuously from the closely fitting portion toward the inside of the tank, and therefore “it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of the resin tank of a pipe sealing member . . . as disclosed by Yakocho et al. in the tank disclosed by Fish et al.” (See Office Action, page 3).

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As stated above, Applicant submits that the claimed subject matter is patentably distinct from Yokochi et al., which thus does not remedy the deficiencies of Fish et al. Specifically, Applicant submits, as stated above, that Yokochi et al. does not disclose, teach or suggest a pipe sealing member wherein the outer diameter increases stepwise and then decreases continuously from the closely fitting portion toward the inside of the tank body as recited in amended independent claim 1.

Applicant respectfully submits that a prima facie case of obviousness has not been established. "To establish a prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP § 2143.03 (citing In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974)). Applicant respectfully submits that independent claim 1, as well as claims 2-6, which are directly or indirectly dependent on amended independent claim 1, are patentably distinct from the cited references, taken alone or in combination.

2. Claim 7 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yokochi et al. (or Yokochi et al. and Fish et al.) in view of Clevenger et al. (U.S. Patent Application 2002/0158073 A1). Applicant respectfully traverses this rejection and respectfully submits that the claims as properly understood by those skilled in the art are patentably distinct from the cited references.

As stated above, Applicant submits that Yokochi et al. does not render unpatentable the subject matter of the claimed invention. Namely, Yokochi et al. does not remedy the deficiency of Clevenger et al. in that Yokochi et al. does not does not disclose, teach or suggest a pipe sealing member wherein the outer diameter increases stepwise and then

decreases continuously from the closely fitting portion toward the inside of the tank body as recited in amended independent claim 1.

In addition, Applicant submits that Yokochi et al. and Fish et al. do not remedy the deficiency of Clevenger et al. (See above; see also Reply to Office Action of May 6, 2005, pp. 5-6). Fish et al. does not disclose, teach or suggest a pipe sealing member wherein the outer diameter increases stepwise and then decreases continuously from the closely fitting portion toward the inside of the tank body, as recited in amended independent claim 1.

Applicant submits a prima facie case of obviousness has not been established. Because claim 7 is directly dependent on amended independent claim 1, Applicant respectfully submits that the claimed subject matter is patentably distinct from the cited references, taken alone or in combination. Accordingly, withdrawal of the rejection applied to claim 7 under 35 U.S.C. § 103(a), as being unpatentable over Yokochi et al. and/or Fish et al. in view of Clevenger et al. is respectfully requested.

3. Claim 8 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yokochi et al. (or Yokochi et al. and Fish et al.) in view of the prior art cited by Applicant. Applicant respectfully traverses this rejection and respectfully submits that the claims as properly understood by those skilled in the art are patentably distinct from the cited references.

As stated above, applicant submits that Yokochi et al. does not render unpatentable the subject matter of the claimed invention. Namely, Yokochi et al. does not remedy the deficiency of the prior art cited by Applicant, in that Yokochi et al. does not does not disclose, teach or suggest a pipe sealing member wherein the outer diameter increases stepwise

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and then decreases continuously from the closely fitting portion toward the inside of the tank body as recited in amended independent claim 1.

Further, Applicant submits that Yokochi et al. and Fish et al. do not remedy the deficiency of the prior art cited by Applicant (See above; see also Reply to Office Action of May 6, 2005, pp. 6-8). Fish et al. does not disclose, teach or suggest a pipe sealing member wherein the outer diameter increases stepwise and then decreases continuously from the closely fitting portion toward the inside of the tank body, as recited in amended independent claim 1.

Applicant submits a prima facie case of obviousness has not been established. Because claim 8 is directly dependent on amended independent claim 1, Applicant respectfully submits that the claimed subject matter is patentably distinct from the cited references, taken alone or in combination. Accordingly, withdrawal of the rejection applied to claim 8 under 35 U.S.C. § 103(a), as being unpatentable over Yokochi et al. and/or Fish et al. in view of the prior art cited by Applicant is respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

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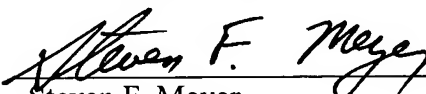
Docket No. 5095-4082

AUTHORIZATION

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 5095-4082. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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Dated: December 29, 2005

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